IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

LA.App..No. 453 of 2003()

LAR.15/1999 of SUB COURT,NEYYATTINKARA
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APPELLANT: RESPONDENTS:
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1. STATE OF KERALA,
REP. BY DISTRICT COLLECTOR, TRIVANDRUM.

2. EXECUTIVE ENGINEER,
NATIONAL HIGHWAY DIVISION, TRIVANDRUM.

BY GOVERNMENT PLEADER SRI.BASANT BALAJI.

RESPONDENTS: CLAIMANTS:
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1. Y.FLORENCE,
KALLINGATHURA KIZHAKKE PUTHENVEEDU,
KEEZHKOLLA DESOM, AMARAVILA P.O.

2. S.SUGUNA BAI,
AYANIYARATHALA VEEDU, NEAR C.S.I. CHURCH,
KERALADHITHYAPURAM, CHEMPAZHANTHI P.O.,
TRIVANDRUM.

3. MERCY, W/O. JAYADAS,
KALLINGATHARA VEEDU, AMARAVILA,
KEEZHKOLLA DESOM, CHENKAL VILLAGE.

4. PREMSAN, S/O. JAYADAS,
GIGO BHAVAN, VATTAKKALA, PAMBUKALA,
PUTHIYATHURA P.O.

5. PREMSING, S/O. JAYADAS,
KARIYILTHOTAM MANAKKAKATHU VEEDU,
AMARAVILA, CHENKAL VILLAGE.

6. PREMLAL, S/O. JAYADAS,
KALLINGATHURA VEEDU, AMARAVILA,
KEEZHKOLLA DESOM, CHENKAL VILLAGE.

7. PREMLETHA, D/O. JAYADAS,
KOZHIKANAM KIZHAKKE PUTHEN VEEDU,
NELLIKKAKUZHI, KANJIRAMKULAM VILLAGE.

8. PREM DEEPA, D/O. JAYADAS,
KALLINGATHURA VEEDU, AMARAVILA,
KEEZHKOLLA DESOM, CHENKAL VILLAGE.

BY ADV. SRI.AJITH KRISHNAN
SRI.S.MOHAMMED AL RAFI
SRI.T.RAJASEKHARAN NAIR

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 04/10/2007, ALONG WITH LAA NO. 54 OF 2005 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. Nos.453/03 & 54/05

Dated 4th October, 2007.

J U D G M E N T

Kurian Joseph, J.

These are appeals filed by the State and the claimant respectively, against the judgment and decree in LAR 15/99 on the file of the Sub Court, Neyyattinkara. The acquisition is for the purpose of construction of Amaravila bridge across Neyyar river. There is no dispute that the property is included in 'C' category. The reference court has granted land value at Rs.28,220/- per cent, placing reliance on the judgment in LAR 23/99. That value has become final by the judgment in LAA 1030/01. It is seen that proportionate to the importance only, the value has been fixed at Rs.28,220/- per cent.

Learned counsel for the claimant, the appellant in LAA 54/05 submits that the percentage of difference between 'A' and 'C' categories is not proper. We are afraid, the said contention cannot be appreciated. Before the Land Acquisition Officer, without any demur, such difference was accepted. The main contention in the appeal is with regard to the value of the building. As rightly observed by the reference court, there is no

evidence to show that the claimant is entitled to get any additional amount towards value of the building. Apart from producing copy of the common judgment in LAR 29/99 and connected cases, no documentary or oral evidence was adduced by the claimant. Going by the judgment in LAA 895/02, the land value granted by the reference court is just and proper. Therefore, there is no merit in these appeals. They are dismissed.

KURIAN JOSEPH, JUDGE.

HARUN-UL-RASHID, JUDGE.

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KURIAN JOSEPH &

HARUN-UL-RASHID, JJ

L.A.A. Nos.453/03 & 54/05

J U D G M E N T

Dated 4th October, 2007.